

1 DANIEL G. SWANSON, SBN 116556
2 dswanson@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
3 Los Angeles, CA 90071
4 Telephone: 213.229.7000
Facsimile: 213.229.7520

5 CYNTHIA E. RICHMAN (D.C. Bar No.
492089; *pro hac vice*)
6 crichman@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
7 1050 Connecticut Avenue, N.W.
Washington, DC 20036
8 Telephone: 202.955.8500
Facsimile: 202.467.0539

9 JULIAN W. KLEINBRODT, SBN 302085
10 jkleinbrodt@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
11 One Embarcadero Center, Suite 2600
San Francisco, CA 94111
12 Telephone: 415.393.8200
Facsimile: 415.393.8306

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
MARK A. PERRY, SBN 212532
mark.perry@weil.com
JOSHUA M. WESNESKI (D.C. Bar No.
1500231; *pro hac vice*)
joshua.wesneski@weil.com
WEIL, GOTSHAL & MANGES LLP
2001 M Street NW, Suite 600
Washington, DC 20036
Telephone: 202.682.7000
Facsimile: 202.857.0940

MORGAN D. MACBRIDE, SBN 301248
morgan.macbride@weil.com
WEIL, GOTSHAL & MANGES LLP
Redwood Shores Pkwy, 4th Floor
Redwood Shores, CA 94065
Telephone: 650.802.3044
Facsimile: 650.802.3100

Attorneys for Defendant APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.

Case No. 4:20-cv-05640-YGR-TSH

Plaintiff, Counter-defendant

**DECLARATION OF MARK A. PERRY IN
SUPPORT OF APPLE INC.'S STATEMENT
IN SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL**

v.

APPLE INC.,

The Honorable Thomas S. Hixson

Defendant, Counterclaimant

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
 3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple
 4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of highly proprietary and confidential
 5 information based on my personal experience representing Apple. I have personal knowledge of the
 6 facts stated below and, if called as a witness, would testify competently thereto. I submit this declaration
 7 in support of Apple’s Statement in Support of Administrative Motion to Seal.¹

8 2. I am aware that the law of this Circuit allows information to be filed under seal for good
 9 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where
 10 documents include a company’s trade secrets, internal codenames, confidential research and
 11 development, personally identifiable information, or other commercially sensitive information. I
 12 understand that this Court has broad latitude to prevent the public disclosure of these categories of
 13 commercially sensitive information.

14 3. Apple operates in an intensely competitive environment. Apple has serious and
 15 legitimate concerns that competitors will be quick to capitalize on any release of Apple’s highly sensitive
 16 information in order to gain competitive advantage. As such, Apple takes extensive measures to protect
 17 the confidentiality of its information.

18 4. Apple has carefully reviewed Exhibit A to Epic Games, Inc.’s Administrative Motion to
 19 Consider Whether Another Party’s Material Should Be Sealed Pursuant to Civil Local Rule 79-5 (“Epic’s
 20 Motion”) (Dkt. 1518), and now proposes to partially seal information therein that, if disclosed, could
 21 reveal personally identifiable information and competitively sensitive, non-public project codenames.

22 5. Exhibit A contains personally identifiable information in the form of email addresses of
 23 Apple employees. Exhibit A also contains competitively sensitive, non-public information regarding

25 ¹ Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. See,
 26 e.g., *In re Apple Securities Litigation*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*,
 27 No. 17-cv-00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iptronics Inc.*,
 28 No. 10-cv-02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv-
 00282-EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple
 respectfully requests that it be permitted to file a further declaration supporting filing under seal.

1 Apple's internal project codenames, which Apple intends to keep confidential. Public disclosure of
 2 Apple's non-public project codenames would reveal Apple's internal business decision-making and
 3 proprietary information, which could be used by competitors to gain an unfair competitive advantage
 4 over Apple and/or affect Apple's market position. Apple has narrowly-tailored its sealing request as to
 5 maximize the public's access to court documents without jeopardizing Apple's privacy or business
 6 interests. The remainder of the exhibit remains unredacted.

7 6. Below is a chart detailing the portions of the exhibit sealable for the reasons explained
 8 herein, as well as in Apple's statement.

Portion of Document Sought to be Sealed	Document Title	Reason to Seal
Redacted email addresses in the "From/To/Cc" columns of rows 1-3 and 8-10 of the privilege log.	Exhibit A	Reflects personally identifiable information
Redacted information in the "Subject" and "Original Name" columns of rows 3 and 8 of the privilege log.	Exhibit A	Reflects non-public Apple project codenames

16 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
 17 correct. Executed this 8th day of May 2025, in Washington, D.C.
 18

19 Dated: May 8, 2025

20 Respectfully submitted,

21 By: /s/ Mark A. Perry

22
23 Mark A. Perry